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(C. C. 1892) 53 Fed. 513. Since there can be no question that here the defendants' rights were directly affected, the instant case must be said to overrule *Mangels v. Donau Brewing Co.*, *supra*, and to extend the decision in *Stewart v. Dunham*, *supra*, to all cases of intervention. This seems a rather unjust rule since such parties could not have instituted the suit originally. The other rule seems preferable, the objection of multiplicity of actions being met by the argument that the only difference would be the bringing of two suits instead of one, one by all the non-residents in a federal court, the other by the residents in the state court.

DOMICIL—HUSBAND AND WIFE—FICTION OF UNITY.—In 1873, the decedent, whose life was spent in Scotland, married a domiciled Scotchman. In 1893, because of his constant drunkenness, her mother paid his way to Australia. In 1902 he purported to marry there a woman with whom he lived until his death in 1918. The decedent died in 1915 pending divorce proceedings in Scotland. *Held*, her estate was subject to legacy duty according to the law of Australia. Her husband had become domiciled there. The domicil of the wife follows that of the husband under the doctrine of marital unity. *Lord Advocate v. Jaffrey and Another* (H. L. 1920) 124 L. T. R. 129.

With this latest expression of the House of Lords on the subject of a wife's domicil should be compared the judicial trend in this country. To obtain a divorce, a wife can acquire a separate domicil. *Cheever v. Wilson* (1869) 9 Wall. 108; *Perkins v. Perkins* (1916) 225 Mass. 82, 113 N. E. 841. And when blameless, she is not domiciled with her husband so as to permit of service by publication when he sues for divorce in another jurisdiction. *O'Dea v. O'Dea* (1885) 101 N. Y. 23; *Perkins v. Perkins*, *supra*. On these points the English law is not clear. See *Williamson v. Osenton* (1914) 232 U. S. 619, 625, 34 Sup. Ct. 442; Dicey, *Conflict of Laws* (2nd ed. 1908) 132. For suing others in a federal court, a wife, justifiably living apart, may gain a domicil of her own. *Williamson v. Osenton*, *supra*. Also, for certain other purposes. *Matter of Florance* (1889) 54 Hun 328, 7 N. Y. Supp. 578, *aff'd*. 119 N. Y. 661, 23 N. E. 1151 (probate of will); *Shute v. Sargent* (1892) 67 N. H. 305, 36 Atl. 282 (settlement of estate); *Matter of Crosby* (1914) 85 Misc. 679, 148 N. Y. Supp. 1045 (appraisal under Transfer Tax Law). But probably a wife unjustifiably living away from her husband may not benefit by a separate domicil. *Hammond v. Hammond* (1905) 103 App. Div. 437, 93 N. Y. Supp. 1; *Loker v. Gera'd* (1892) 157 Mass. 42, 31 N. E. 709. Nor even, it seems, may she then claim for her benefit his domicil. *Prater v. Prater* (1888) 87 Tenn. 78, 9 S. W. 361; *cf. In re Coreil's Estate* (1919) 145 L.A. 788, 83 So. 13. And when husband and wife live mostly apart, but without estrangement, there is but one domicil,—the husband's. *Howland v. Granger* (1900) 22 R. I. 1, 45 Atl. 740; *Anderson v. Watt* (1891) 138 U. S. 694, 11 Sup. Ct. 449. In the instant case, the court found the path to progress already paved with dicta. See *Dolphin v. Robins* (1859) 7 H. L. C. *389, *418; *Le Sueur v. Le Sueur* (1876) L. R. 1 P. D. 139, 141. These are definitely rejected, and the marital unity theory exalted. In the light of modern conditions, this conceptualistic fetishism seems singularly out of place. See *Shute v. Sargent*, *supra*, 305 *et seq.*

EASEMENTS—IMPLIED IN FAVOR OF GRANTEE—EFFECT OF SALE OF SERVIENT TENEMENT.—The plaintiff and his brother, M, had been devised their father's farm as tenants in common, subject to a life estate in their mother in the dwelling-house and lot. A spring on the farm supplied the house with water through an underground pipe. The brothers partitioned by an exchange of quit-claim deeds. Upon their mother's death the plaintiff bought M's moiety in the house and lot, taking a quit-claim deed. Subsequently M conveyed his separate portion to